



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1**

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In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 19-27439 (MBK)

**ORDER GRANTING DEBTOR'S MOTION TO (I) APPROVE OF A SETTLEMENT AGREEMENT BY AND BETWEEN HOLLISTER CONSTRUCTION SERVICES, LLC AND MERCEDES-BENZ USA, LLC, AND TO REJECT CERTAIN AGREEMENTS; (II) APPROVE OF A SETTLEMENT AGREEMENT WITH MID-ATLANTIC MECHANICAL; INC.; AND (III) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through and including three

(3), is hereby **ORDERED**.

**DATED: January 4, 2020**

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan  
United States Bankruptcy Judge

<sup>1</sup> The Debtor in this chapter 11 case and the last four digits of its taxpayer identification number is: Hollister Construction Services, LLC (5404).

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Order Granting Debtor's Motion to (i) Approve of a Settlement Agreement By and Between Hollister Construction Services, LLC and Mercedes-Benz USA, LLC, and to Reject Certain Agreements; (ii) Approve of a Settlement Agreement with Mid-Atlantic Mechanical, Inc., and (iii) Granting Related Relief*

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**THIS MATTER** having been opened to the Court upon the Motion of the above-captioned debtor-in-possession (the “Debtor”) seeking the entry of an order (i) approving of a Settlement Agreement by and between the Hollister Construction Services, LLC, (the “Debtor”) and Mercedes-Benz USA, LLC (“Mercedes”) dated December 17, 2019 (the “Agreement”), pursuant to Fed. R. Bankr. P. 9019, and to reject certain agreements pursuant to 11 U.S.C. §365 and Fed. R. Bankr. P. 6006, (ii) approving of a Settlement Agreement with Mid-Atlantic Mechanical Inc. (“Mid-Atlantic”) pursuant to Fed. R. Bankr. P. 9019, and (iii) granting related relief (the “Motion”)<sup>2</sup>; and the Court having considered the Motion and any objections filed thereto, and the Court having jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, dated September 18, 2012 (Simandle, C.J.); and venue being proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and the Motion is determined to be a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors; and the Court having conducted a hearing on the Motion, at which time the Court heard and considered all oral argument of counsel; and good and sufficient notice of the Motion having been provided to all interested parties, and for good cause shown,

**IT IS HEREBY ORDERED** as follows:

1. The Motion is **GRANTED** as set forth herein.
2. The Agreement between the Debtor and Mercedes is hereby approved.
3. The Settlement Agreement between the Debtor and Mid-Atlantic is hereby approved.

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<sup>2</sup> Capitalized terms not defined in this Order shall have the meaning ascribed to them in the Agreement.

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

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4. The Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order and the Settlement Agreements with both Mercedes and Mid-Atlantic.

5. All contracts and/or leases by and between the Debtor and Mercedes hereby are deemed rejected effective as of the Petition Date pursuant to section 365(a) of the Bankruptcy Code.

6. Any claims resulting from the rejection of any contracts and/or leases with Mercedes (the "Rejection Claim") shall be filed by no later than **January 20, 2020** (the "Rejection Claims Deadline"), at the following address:

Hollister Construction Services Claims Processing Center  
c/o Prime Clerk LLC  
850 3rd Avenue, Suite 412  
Brooklyn, NY 11232

Claims may also be filed electronically at <https://cases.primeclerk.com/hcs/EPOCIndex>, but may not be delivered by facsimile, telecopy, electronic mail or other electronic transmission. The failure to file a Rejection Claim on or before the Rejection Claims Deadline shall forever bar any counterparty to any of the rejected contracts and leases from asserting a Rejection Claim against the Debtor or its estate or from recovering any distribution on account of any such claim.

7. The Order shall be effective immediately upon its entry and the stay imposed by Bankruptcy Rule 6006(d) or any other Rule is hereby waived.

8. The Court shall retain exclusive jurisdiction to hear and decide any and all disputes or issues related to or arising from the implementation, interpretation or enforcement of this Order.